



US Army Corps  
Of Engineers  
Omaha District

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# INITIAL PUBLIC NOTICE

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## NATIONWIDE PERMIT REISSUANCE REQUEST FOR COMMENTS

On September 26, 2006, the U.S. Army Corps of Engineers published in the Federal Register its proposal to reissue its nationwide permits (NWP).

Nationwide permits are general permits issued on a nationwide basis to streamline the authorization of activities that result in minimal individual and cumulative adverse effects on the aquatic environment. Many of the proposed NWPs require notification to the district engineer before commencing the work, to ensure that the activities authorized by those NWPs have minimal individual and cumulative adverse impacts on the aquatic environment.

National Issues Concerning the Proposed NWPs: The Federal Register notice is the public's opportunity to comment on the proposed NWPs, general conditions, and definitions. Comments on national issues relating to these NWPs should be submitted to docket number COE-2006-0005 at [www.regulations.gov](http://www.regulations.gov). Instructions for submitting comments are provided in the September 26, 2006 Federal Register notice. Comments on the proposed NWPs are due by November 27, 2006.

Regional Issues Concerning the Proposed NWPs, Including Regional Conditioning: Division engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or state. Regional conditions are important mechanisms to ensure that impacts to the aquatic environment authorized by the NWPs are minimal, both individually and cumulatively. Division engineers may also suspend or revoke specific NWPs in certain geographic areas (e.g., states or watersheds) or high-value aquatic systems where impacts authorized by those NWPs may be more than minimal. An enclosure for this public notice lists the proposed regional conditions currently under consideration by the Northwestern Division, Omaha District for the State of **Nebraska**. The Omaha District, **Nebraska** Regulatory Office is seeking comments on the proposed regional conditions and seeking comments on the need for additional regional conditions to help ensure that impacts authorized by the proposed NWPs are minimal. Unless otherwise noted, all proposed regional conditions listed on this enclosure are applicable for activities in the State of Nebraska. Comments on regional issues relating to the proposed NWPs and regional conditions are to be sent to **1430 Central Avenue, Kearney, Nebraska 68847; (308) 234-1403**. Comments relating to regional conditions are due by **November 20, 2006**. If you have any questions concerning the NWPs or regional conditions, contact either **Mrs. Barb Friskopp** at the **Nebraska** Regulatory Office or Mr. Joel Ames, Omaha District Tribal Liaison, at (402) 221-3988. Similar public notices proposing regional conditions in other regions or States are being published concurrently by other division or district offices.

When the final NWP's are issued, the final regional conditions will be issued at the same time so that the States and Tribes can make their Clean Water Act Section 401 water quality certification and Coastal Zone Management Act (CZMA) consistency determination decisions. The 401/CZMA decisions must be made within 60 days of the Federal Register notice announcing the issuance of the NWP's. After that 60-day period, the NWP's and the regional conditions will become effective.

Draft decision documents, which include environmental documentation required by the National Environmental Policy Act, have been prepared by Corps Headquarters. The decision documents will address compliance of the NWP's with the requirements for issuance under general permit authority. These documents, as well as the proposed NWP's, are available for viewing at the Omaha District, 12565 West Center Road, Omaha, Nebraska 68144-3869 or on the Internet at the [www.regulations.gov](http://www.regulations.gov) site (docket ID number COE-2006-0005). Final decision documents will be prepared for those NWP's that are issued. In addition, supplemental decision documents will be issued by division engineers to address their determinations concerning regional conditions for the NWP's.

Attached is an index of the proposed NWP's and conditions. Anyone wishing to provide comments may obtain a full text copy of the NWP's through [www.regulations.gov](http://www.regulations.gov) (docket ID number COE-2006-0005), the Corps home page or the Federal Register address listed below.

Copies of the Federal Register notice and the draft decision documents will also be available at <http://www.regulations.gov> in docket ID number COE-2006-0005.

The Corps home page is: <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/> .

As an alternate, internet users can access the Federal Register through the Government Printing Office (GPO) at <http://www.gpoaccess.gov/fr/index.html> .

Enclosures

## Index of Proposed Nationwide Permits, Conditions, and Definitions

### ***Proposed Nationwide Permits***

1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Associated Intake Structures
8. Oil and Gas Structures on the Outer Continental Shelf
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Utility Line Activities
13. Bank Stabilization
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16. Return Water From Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Oil Spill Cleanup
21. Surface Coal Mining Operations
22. Removal of Vessels
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24. Indian Tribe or State Administered Section 404 Programs
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27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities
28. Modifications of Existing Marinas
29. Residential Developments
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities
32. Completed Enforcement Actions
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34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation
38. Cleanup of Hazardous and Toxic Waste
39. Commercial and Institutional Developments
40. Agricultural Activities
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- 42. Recreational Facilities
- 43. Stormwater Management Facilities
- 44. Mining Activities
  - A. Emergency Repair Activities
  - B. Discharges into Ditches and Canals
  - C. Pipeline Safety Program Designated Time Sensitive Inspections and Repairs
  - D. Commercial Shellfish Aquaculture Activities
  - E. Coal Remining Activities
  - F. Underground Coal Mining Activities

***Proposed Nationwide Permit General Conditions***

- 1. Navigation
- 2. Aquatic Life Movements
- 3. Spawning Areas
- 4. Migratory Bird Breeding Areas
- 5. Shellfish Beds
- 6. Suitable Material
- 7. Water Supply Intakes
- 8. Adverse Effects from Impoundments
- 9. Management of Water Flows
- 10. Fills Within 100-Year Floodplains
- 11. Equipment
- 12. Soil Erosion and Sediment Controls
- 13. Removal of Temporary Fills
- 14. Proper Maintenance
- 15. Wild and Scenic Rivers
- 16. Tribal Rights
- 17. Endangered Species
- 18. Historic Properties
- 19. Designated Critical Resource Waters
- 20. Mitigation
- 21. Water Quality
- 22. Coastal Zone Management
- 23. Regional and Case-by-Case Conditions
- 24. Use of Multiple Nationwide Permits
- 25. Transfer of Nationwide Permit Verifications
- 26. Compliance Certification
- 27. Pre-Construction Notification

***Proposed Nationwide Permit Definitions***

Best management practices (BMPs)  
Compensatory mitigation  
Currently serviceable  
Enhancement  
Ephemeral stream  
Establishment (creation)  
Independent utility  
Intermittent stream  
Loss of waters of the United States  
Non-tidal wetland  
Open water  
Perennial stream  
Practicable  
Pre-construction notification  
Preservation  
Re-establishment  
Rehabilitation  
Restoration  
Riffle and pool complex  
Riparian areas  
Single and complete project  
Stormwater management  
Stormwater management facilities  
Stream bed  
Stream channelization  
Structure  
Tidal wetland  
Vegetated shallows  
Waterbody